

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO: 1:21-cv-135-MOC**

JAMES DRYE,

Plaintiff,

vs.

**KILOLO KIJAKAZI,
Commissioner of Social Security,**

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Petition for Attorney Fees Under the Equal Access to Justice Act. (Doc. No. 22). The parties appear to have settled on an amount of attorney fees for this case. (Id.). Having reviewed the pleadings, and pursuant to this Court's power to award fees to a prevailing party, other than the United States, incurred by that party in a civil action against the United States under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), the Court enters the following Order.

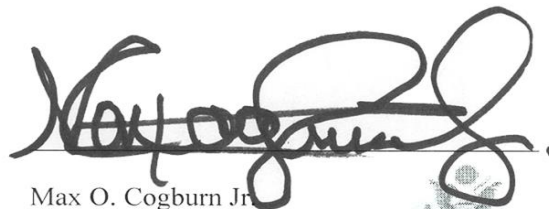
ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Petition for Attorney Fees Under the Equal Access to Justice Act, (Doc. No. 22), is **GRANTED**, and Plaintiff is hereby awarded attorney's fees in the amount of \$7,200, which the Court finds to be reasonable and full satisfaction of any and all attorney's fee claims plaintiff may have in this case under the EAJA.

Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, after the entry of this Order, the Commissioner determines that Plaintiff

owes no debt to the government that would subject this award of attorney fees to offset, the Commissioner may honor Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff, rather than to counsel.

Signed: June 21, 2022



Max O. Cogburn Jr.
United States District Judge